

**** E-filed December 16, 2009 ****

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARIAN TANKERSLEY, an individual; and
RICHARD DIEHL, an individual,

Plaintiffs,

v.

JOHN R. LYNCH, an individual; GREGORY A.
LONGE, an individual; LOUIS MANCINA, an
individual; JOHN MAIO, an individual;
RICHARD BASS, an individual, and DOES 1-20
inclusive,

Defendants.

Case No. C 09-05763 HRL

**STIPULATION FOR ORDER TO
STAY MATTER PENDING
ARBITRATION
AS AMENDED BY THE COURT**

BACKGROUND

1. On or about January 22, 2009, plaintiffs Marian Tankersley and Richard Diehl ("Plaintiffs") filed a demand for arbitration (the "Arbitration") with the American Arbitration Association (the "AAA"), No. 74 114 00073 09 LGB, against Collision on Wheels International, LLC ("CW"), with the hearing scheduled for January 11, 2010. The arbitrator's decision is due within 30 days of the conclusion of the hearing.

2. On or about October 30, 2009, Plaintiffs filed this action in the Superior Court for the State of California for the County of Santa Clara against Defendants John R. Lynch,

Gregory A. Longe, Louis Mancina, John Maio and Richard Bass ("Defendants"). Defendants are all officers and/or employees of CW.

3. On or about December 9, 2009, Defendants filed a notice of removal with this court.

4. The claims pending in the above captioned matter could be affected by the results of the Arbitration.

5. The parties agree that it is in the best interest of themselves and the court to stay all proceedings in this matter until 30 days after an award is entered in the Arbitration.

STIPULATION

All parties, through their respective counsel hereby stipulate that, subject to Court approval, the above captioned action shall be stayed until 30 days after an award is entered in the Arbitration, at which time Defendants will have 20 days to file a response to Plaintiffs' complaint.

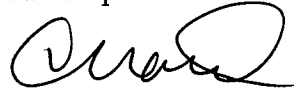
DATED: December 16, 2009

SINGLER, NAPELL & DILLON, LLP

By //s// Bruce Napell
Bruce Napell
Attorneys for Plaintiffs
MARIAN TANKERSLEY and
RICHARD DIEHL

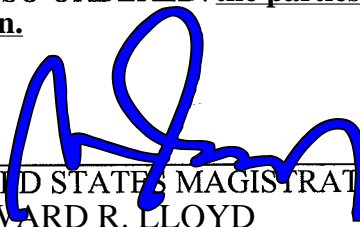
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By 
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JOHN R. LYNCH, GREGORY A. LONGE,
LOUIS MANCINA, JOHN MAIO,
RICHARD BASS

PURSUANT TO STIPULATION, IT IS SO ORDERED: **the parties shall notify the court when an award is entered in the Arbitration.**

Dated: December 16, 2009

By 
UNITED STATES MAGISTRATE JUDGE
HOWARD R. LLOYD